

citation, and the Secretary does not contest this assertion. Respondent had no history of prior violations from November 1982 through August 1985.

I have considered the motion in the light of the criteria in section 110 (i) of the Act, and conclude that it should be approved.

Accordingly, IT IS ORDERED that the settlement agreement is APPROVED; that citations 2385993 and 2385994 are VACATED. A new citation, 2385993 is substituted and Respondent is ORDERED to pay within 40 days of the date of this decision, a civil penalty in the amount of \$2000 for the violation alleged therein. Upon payment of said penalty this proceeding is DISMISSED. The hearing scheduled August 27, 1986 in Greensboro, North Carolina is CANCELLED.

James A. Broderick
James A. Broderick
Administrative Law Judge

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